

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CASE NO. 1:23-CV-00129-MR**

ACCORDIUS HEALTH AT )  
ASHEVILLE, LLC, )  
                        )  
Plaintiff,           )  
                        )  
v.                    )  
                        )  
UNITED STATES SMALL )  
BUSINESS ADMINISTRATION, )  
*et al.*,            )  
                        )  
Defendants.         )

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**DEFENDANTS' CONSENTED-TO MOTION FOR LEAVE TO FILE A  
RESPONSE TO BRIEF OF THE AMERICAN HOTEL & LODGING  
ASSOCIATION AS AMICUS CURIAE**

NOW COME Defendants, by and through the undersigned, and hereby move the Court for leave to file a proposed response to the proposed amicus brief lodged by the American Hotel & Lodging Association (“AHLA”) supporting Plaintiffs in this action under the Administrative Procedure Act concerning application of the Corporate Group Rule. Doc. 37-1. When Defendants consented to AHLA’s motion for leave as to the amicus brief, AHLA and Plaintiffs consented to Defendants filing, on or before April 26, 2024, the instant motion for leave to file a response to AHLA’s brief. Defendants lodge their proposed response to AHLA’s 21-page brief as an exhibit attached to the instant memorandum in support of this motion.

*First*, the proposed response explains that the chief contentions in AHLA's brief, which are not raised by Plaintiffs, should not be considered, consistent with Fourth Circuit precedent against arguments raised only by an amicus. *Second*, the proposed response explains that, alternatively, AHLA's arguments lack merit.

The undersigned have conferred with counsel for Plaintiff and Amicus who have consented to Defendants filing a response to AHLA's brief.

Accordingly, Defendants request that the Court grant the instant motion, allow the filing of Defendants' proposed response, and consider that response insofar as the Court considers AHLA's brief.

Respectfully submitted, this the 26th day of April, 2024.

DENA J. KING  
UNITED STATES ATTORNEY

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